

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v

OSCAR TRINIDAD-RODRIGUEZ,
Defendant.

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CRIMINAL NO. 00-001(PG)

DEFENDANT’S INFORMATIVE MOTION
IN RELATION TO
“GOVERNMENT’S REQUEST FOR ADDITIONAL TIME
TO RESPOND TO DEFENDANT’S SENTENCING MEMORANDUM
AND A CONTINUANCE OF THE SENTENCING HEARING”

TO THE HONORABLE JUAN M. PEREZ GIMENEZ
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW defendant Oscar Trinidad-Rodríguez, represented by the Federal Public Defender for the District of Puerto Rico and undersigned counsel, and very respectfully states and prays:

I. Background Information

1. The undersigned counsel, then an Assistant Federal Public Defender (AFPD) with the Federal Public Defender for the District of Puerto Rico (FPDPR), represented Oscar Trinidad-Rodríguez during the pretrial, trial, and initial sentencing phases of the instant case.

2. On March 3, 2005, undersigned counsel retired from United States Government service and thus terminated his employment as an AFPD with the FPDPR. At the time of the undersigned’s retirement, and given the undersigned’s participation in Oscar Trinidad-Rodríguez’ case, the undersigned and the FPDPR agreed that the case would stay with the FPDPR but that the

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undersigned would represent on a "pro bono" basis along with the assigned FPDPR attorney.

II. Current Situation

3. On this date, October 21, 2005, the undersigned spoke with Patrick H. Hearn, Trial Attorney, United States Department of Justice, regarding his motion titled "Government's Request for Additional Time to Respond to Defendant's Sentencing Memorandum and a Continuance of the Sentencing Hearing." As U.S. Trial Attorney Hearn informs in his motion, the undersigned did in fact advise him that the undersigned, as counsel for Oscar Trinidad-Rodríguez, would ordinarily have no objection to the Government's request, particularly given the fact that U.S. Trial Attorney Hearn has been accommodating to defense needs on several occasions. However, the undersigned further advised U.S. Trial Attorney Hearn that due to the fact that defendant Oscar Trinidad-Rodríguez resides in Florida, and due to the Hurricane Wilma situation, defendant Trinidad-Rodríguez was instructed to fly to Puerto Rico today, Friday, October 21, 2005. As of the filing of this motion we understand that defendant Trinidad-Rodríguez is en route to Puerto Rico; however, neither undersigned counsel nor FPDPR's assigned AFD, Patricia Garrity, have been able to speak with defendant. Undersigned counsel advised U.S. Trial Attorney Patrick H. Hearn that given the fact that defendant is en route to Puerto Rico, undersigned counsel cannot in good conscience concur with the Government's request until he has had a chance to speak with defendant Oscar Trinidad-Rodríguez.

4. Given the preceding, undersigned counsel advised U.S. Trial Attorney Patrick H. Hearn that the only reason undersigned cannot in good conscience concur with the Government's

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request is that the situation has not been discussed with defendant Oscar Trinidad-Rodríguez

WHEREFORE, it is very respectfully requests from this Honorable Court that it take note of the information provided herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record.

I HEREBY FURTHER CERTIFY that on this date a copy of the instant motion will be sent via e-mail to Patrick H. Hearn, Trial Attorney, U.S. Department of Justice, at Patrick.Hearn@usdoj.gov .

In San Juan, Puerto Rico, on the 21st day of October of 2005.

S/ *Epifanio Morales Cruz*

Epifanio Morales Cruz

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